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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-second Session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child

VENEZUELA

1. The Committee considered the initial report of Venezuela (CRC/C/3/Add.54) and its supplementary report (CRC/C/3/Add.59) at its 560th and 561st meetings (see CRC/C/SR.560-561), held on 21 September 1999, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report, which included concrete information on the situation of children, but regrets the late submission of the written answers to the list of issues (CRC/C/Q/VEN/1). The Committee also regrets that the high-level delegation from the State party's capital, directly involved in the implementation of the Convention, was at the last minute not able to participate in the dialogue. This unforeseen and unfortunate situation had a negative impact on the dialogue with the State party's delegation. Many questions posed to the State party's delegation had to be transmitted to the State party's capital for a written reply. The Committee notes with appreciation that the replies to these questions were submitted on the agreed deadline, allowing the Committee to make a good assessment of the situation of children's rights in Venezuela.

* At the 586th meeting, held on 8 October 1999.

B. Positive aspects

3. The Committee welcomes the adoption of the Organic Law for the Protection of Children and Adolescents (1999), which reflects the principles and provisions of the Convention. The Committee takes note that this legislation will enter into force in April 2000.

4. The implementation of several programmes for children, in the context of the *Agenda Venezuela* and of the development programme "Bolivar 2000", as well as the creation of the *Fondo Unico Social* (Social Development Fund), which include poverty alleviation measures, are welcomed by the Committee.

5. The Committee welcomes the existence of a partnership between the authorities of the State party and non-governmental organizations (NGOs) working for and with children.

6. The State party's accession to the Hague Convention of 1993 on the Protection of Children and Cooperation in Respect of Intercountry Adoption is also welcomed by the Committee.

7. The Committee welcomes the ratification by the State party of International Labour Organization (ILO) Convention No. 138 concerning minimum age for admission to employment as well as the signing (in 1996) of a memorandum of understanding with ILO/IPEC for the eradication of child labour.

C. Factors and difficulties impeding progress in the implementation of the Convention

8. The Committee notes that widespread poverty and long-standing economic and social disparities within the State party have had a negative impact on the situation of children and have impeded the full implementation of the Convention. The Committee also notes that this situation has been particularly aggravated by severe economic crises and drastic economic reforms.

9. The Committee acknowledges that the State party is going through an important process of political, social and economic transformation, which is a positive fact, but the Committee is concerned that this transformation might result in a considerable slowing down of the efforts to implement the Convention fully.

D. Principal subjects of concern and the Committee's recommendations

D.1. General measures of implementation

10. The Committee notes with appreciation the information provided by the State party's delegation that the National Constituent Assembly, in charge of drafting the text of the new national Constitution, is considering introducing a chapter on human rights, including a section on the rights of the child. **The Committee encourages the State party to continue in its efforts to introduce the promotion and protection of human rights, including of the rights of the child, in its new Constitution.**

11. **With regard to the entry into force of the Organic Law for the Protection of Children and Adolescents (Ley Organica para la Protección de Niños y Adolescentes), while noting the measures taken by the State party in preparation for the implementation of this law, the Committee remains concerned about the lack of a comprehensive plan, including the required financial and human resources, and the administrative reform necessary for the full implementation of this legislation. In this regard, the Committee recommends that the State party give priority to the process of implementation of the new Organic Law for the Protection of Children and Adolescents. The Committee further recommends that the State party take effective measures, including the allocation of sufficient levels of resources, both financial and human, for the full implementation of this legislation.**

12. Taking into account the current process of institutional reform and taking note that the new Organic Law for the Protection of Children and Adolescents provides for the creation of the National System for the Protection and Integral Development of Children and Adolescents, the Committee remains concerned about the inadequate levels of coordination and monitoring to guarantee the implementation of the Convention. **The Committee recommends that the State party take effective measures in order to strengthen coordination among the various governmental bodies at the federal, State and municipal levels involved in the implementation of the Convention. In this regard, the Committee recommends that the State party take effective measures to ensure the establishment of the National System for the Protection of Children and Adolescents. Furthermore, the Committee recommends that the State party guarantee the participation of non-governmental organizations in the new coordination mechanism to be established.**

13. The Committee welcomes the efforts undertaken by the State party, in particular by the National Children's Institute (INAM) and the Central Office of Statistics (OCEI), in cooperation with UNICEF and non-governmental organizations, to develop indicators for monitoring the implementation of policies and programmes for children, but it remains concerned that disaggregated data and indicators have not been developed for all areas covered by the Convention. **The Committee recommends that the State party continue developing a comprehensive system for the collection of disaggregated data, in order to gather all necessary information on the situation of all children under 18 years of age, including children belonging to vulnerable groups, in the various areas covered by the Convention.**

14. While recognizing the efforts of the State party to disseminate the Convention, the Committee is of the opinion that these measures need to be strengthened, especially to facilitate the entry into force of the Organic Law for the Protection of Children and Adolescents. **The Committee encourages the State party to reinforce its efforts to make the provisions and principles of the Convention widely known and understood by adults and children alike. Special attention should be paid to increasing awareness of the Convention and to its relationship with the new Organic Law for the Protection of Children and Adolescents.**

15. Although the Committee takes note of the efforts of the State party to carry out sensitization programmes on the Convention for local authorities, it considers that training programmes for professional groups working with and

for children need to be further developed. **The Committee recommends that the State party reinforce its sensitization and training programmes for all professional groups working with and for children, such as judges, lawyers, law enforcement and army officials, civil servants, personnel working in institutions and places of detention for children, teachers and health personnel, including psychologists and social workers. The Committee encourages the State party to consider seeking to this effect international cooperation from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.**

16. While the Committee welcomes the establishment of several social programmes for children, it remains concerned that policies for children are fragmented and that a comprehensive national strategy for the implementation of children's rights is lacking. **The Committee recommends that the State party give priority to the full implementation of article 4 of the Convention and ensure the appropriate distribution of resources at the central and local levels. Budget allocations for the implementation of the economic, social and cultural rights of children should be ensured "to the maximum extent of available ... resources and, where needed, within the framework of international cooperation" (art. 4 of the Convention). The Committee also recommends that the State party take effective measures for the full implementation of a national policy on the rights of the child, with due regard for the holistic nature of the Convention.**

D.2. Definition of the child

17. The Committee is concerned about the different legal minimum ages for marriage for boys (16) and girls (14), as established in the State party's Civil Code. The Committee considers that this is contrary to the principles and provisions of the Convention, especially its articles 2 and 3. **The Committee recommends that the State party harmonize and increase the legal minimum legal ages for marriage. It further recommends that the State party undertake awareness raising campaigns on the negative effects of early marriage.**

D.3. General principles

18. While the Committee is aware of the measures taken by the State party to improve the situation of the most vulnerable groups of children, it is still concerned at the existence of discrimination on the basis of ethnic origin and gender. Additionally, the Committee expresses its concern at the growing number of population living in poor urban and marginalized areas. **The Committee recommends the State Party to continue taking effective measures to reduce economic and social disparities. Measures to prevent discrimination against the most disadvantaged groups of children, including girls, children belonging to indigenous and other ethnic groups, children with disabilities, children born out of wedlock and children living and/or working in the streets, should be reinforced.**

19. The Committee is concerned that two general principles of the Convention, as laid down in articles 3 (best interests of the child) and 12 (respect of the views of the child), are not fully applied and duly integrated in the implementation of the policies and programmes of the State party.

The Committee recommends that further efforts be made to ensure the implementation of the principles of "best interests of the child" and "respect for the views of the child", especially his or her rights to participate in the family, at school, within other institutions and in society in general. These principles should also be reflected in all policies and programmes relating to children. Awareness raising among the public at large, including community leaders, as well as educational programmes on the implementation of these principles, should be reinforced in order to change traditional perceptions of children as objects rather than subjects of rights.

20. With regard to article 6 of the Convention, the Committee expresses its concern about the alleged cases of killings of children during anti-crime operations. **The Committee recommends that the State party undertake effective measures to prevent these type of situations and, in order to avoid impunity of the alleged perpetrators, use its judicial mechanisms effectively to investigate these killings.**

D.4. Civil rights and freedoms

21. The Committee welcomes the measures taken by the State party in the area of birth registration, especially those recently implemented in the framework of the National Plan on Birth Registration, but it remains concerned at the large number of children without birth certificates and at the related impact on the enjoyment of their rights. Particular concern is expressed in this area with regard to the situation of children belonging to indigenous groups and to illegal immigrant families. **In the light of article 7 of the Convention, the Committee recommends that the State Party continue its efforts to ensure the immediate registration of the birth of all children, including measures in cooperation with non-governmental organizations and with the support of international organizations, to ensure that birth registration procedures are widely known and understood by the population at large. In this regard, the situation of children belonging to indigenous groups and to illegal immigrant families deserves special attention.**

22. With regard to the State party's initiatives to promote children's participatory rights, such as the Children and Youth Parliaments and school governments, the Committee is concerned about the insufficiency of these measures and the lack of follow-up and evaluation of the current initiatives. **The Committee recommends that these measures should be strengthened to promote the participation of children in the family, in the community, in school and in other social institutions, as well as to ensure the effective enjoyment by them of their fundamental freedoms, including freedom of opinion, expression and association.**

23. The Committee expresses its concern at the persistent allegations about children being detained in conditions which amount to cruel, inhuman or degrading treatment, and about children being physically ill-treated by members of the police or the armed forces. **In the light of article 37 and other related articles of the Convention, the Committee recommends that the State party use its judicial mechanisms effectively to deal with complaints of police brutality, ill-treatment and abuse of children, and that cases of violence and abuse against children be duly investigated in order to avoid the impunity of perpetrators.**

D.5. Family environment and alternative care

24. The Committee welcomes the measures taken to eliminate irregularities in the procedures concerning adoption (e.g., direct placement of children, known as entrega inmediata), but it remains concerned that the State party has not reformed its domestic legislation relating to intercountry adoption in accordance with the obligations established under the Hague Convention of 1993 on the Protection of Children and Co-operation in respect of Intercountry Adoption. **The Committee recommends that the State party enact specific legislation regulating the process of intercountry adoption to make it comply with the international obligations established in the Hague Convention of 1993 on the Protection of Children and Co-operation in respect of Intercountry Adoption. Furthermore, the Committee suggests that the State party consider withdrawing its declarations made under article 21 (b) and (d) of the Convention, in view of the fact that these declarations have become irrelevant as a result of the State party's accession to the above-mentioned Hague Convention.**

25. The Committee is concerned that child abuse and neglect are reported to be widespread in the State party. In this regard, concern is expressed at the insufficient awareness of the harmful consequences of neglect and abuse, including sexual abuse, both within and outside the family; at the insufficient financial and trained human resources allocated to prevent abuse and neglect, and at the insufficient rehabilitation measures and facilities available for victims. **In the light of, inter alia, articles 19 and 39 of the Convention, the Committee recommends that the State party continue taking all appropriate measures to prevent and combat child abuse and neglect of children within the family, at school and in society at large, including setting up multidisciplinary treatment and rehabilitation programmes. It suggests that law enforcement should be strengthened with respect to such crimes and that procedures and mechanisms to deal with complaints of child abuse should be reinforced in order to provide children with prompt access to justice, in order to avoid impunity of the offenders. Furthermore, educational programmes should be established to combat traditional attitudes in society regarding this issue. The Committee encourages the State party to consider seeking international cooperation to this effect from, inter alia, UNICEF and international non-governmental organizations.**

D.6. Basic health and welfare

26. While taking note of the State party's achievements in the area of basic health and welfare, the Committee is concerned at the negative impact of the declining economic situation on the health of children, in particular the deterioration of infant and under five mortality rates, as well as at the prevalence of malnutrition among children. **The Committee recommends that the State party continue taking all appropriate measures, including through international cooperation, to ensure access to basic health care and services for all children. More concerted efforts need to be taken to combat malnutrition and ensure the adoption and implementation of a national nutritional policy and action plan for children. The Committee also recommends that the State party undertake initiatives relating to the reduction of infant mortality, for instance the "Integrated management of childhood illnesses" (IMCI), a joint programme of WHO and UNICEF.**

27. **While welcoming the State party's initiatives in the field of adolescent health, in particular the National Plan for the Prevention of Early Pregnancy, the Committee expresses its concern at the still high teenage maternal mortality and pregnancy rates, at the insufficient access by teenagers to reproductive health education and counselling services, including outside school; and at the increasing incidence of HIV/AIDS, STDs and drug and substance abuse (e.g., glue-sniffing) among children and adolescents. The Committee suggests that a comprehensive and multidisciplinary study be undertaken of the scope of the phenomenon of adolescent health problems, especially with regard to early pregnancy and maternal mortality. The Committee recommends that the State party adopt comprehensive adolescent health policies and strengthen reproductive health education and counselling services. The Committee further recommends the State party continue taking measures for the prevention of HIV/AIDS and take into consideration the Committee's recommendations adopted on its day of general discussion on "Children living in a world with HIV/AIDS" (CRC/C/80). The Committee also recommends that further efforts, both financial and human, be undertaken for the development of child friendly counselling services, as well as care and rehabilitation facilities for adolescents. Measures to combat and prevent substance abuse among children should be strengthened.**

D.7. Education, leisure and cultural activities

28. The Committee welcomes the State party's efforts in the field of education, in particular the inclusion of human rights teaching, including children's rights, in the school curricula, but it remains concerned about the high drop-out and repetition rates in primary and secondary schools, regional disparities in access to education, the insufficient number of well-trained teaching staff and children's limited access to material and textbooks. **In the light of articles 28 and other related articles of the Convention, the Committee recommends that the State party continue its efforts in the field of education by strengthening its policies and system in order to improve ongoing retention programmes and vocational training for drop-out students; to improve school infrastructure; to continue with curricular reform, including teaching methodologies; to eradicate regional disparities with reference to school enrolment and attendance; and to implement special education programmes, taking into account the needs of working children.**

D.8. Special protection measures

29. The Committee remains concerned about the lack of specific legal provisions for the protection of unaccompanied refugee and asylum-seeking children. This is a concern owing to the increasing number of refugees in the State party. **The Committee recommends that the State party enact legislation that reflects international standards for the protection of refugee children. The Committee suggests that the State party consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

30. The Committee is aware of the measures taken by the State party, in particular by the Direction of Indigenous Affairs of the Ministry of Education, but it remains concerned about the living conditions of children belonging to indigenous and ethnic groups, especially with regard to the full

enjoyment of all the rights enshrined in the Convention. **In the light of articles 2 and 30 of the Convention, the Committee recommends that the State party take effective measures to protect children belonging to indigenous and ethnic groups against discrimination and to guarantee their enjoyment of all the rights recognized by the Convention on the Rights of the Child.**

31. The Committee remains concerned that a large number of children are still involved in labour activities, particularly in the informal sector, including domestic workers, and in the family context. Concern is also expressed about the insufficient law enforcement and lack of adequate monitoring mechanisms to address this situation. **In the light of, inter alia, articles 3, 6 and 32 of the Convention, the Committee recommends that the State party continue working in cooperation with ILO/IPEC for the establishment and implementation of a national plan for the elimination of child labour and undertake all the actions envisaged in the Memorandum of Understanding with ILO/IPEC. The situation of children involved in hazardous labour, especially in the informal sector where the majority of working children are found, deserves special attention. The Committee also recommends that child labour laws be enforced, that labour inspectorates be strengthened, and that penalties be imposed in cases of violation. The Committee encourages the State party to consider ratifying the new ILO Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999).**

32. The Committee expresses its concern at the absence of data and of a comprehensive study on the issue of sexual commercial exploitation and sexual abuse of children, at the lack of a national plan of action to address this issue and at the inadequacy of the State party's legislation to deal with it. **In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to designing and implementing appropriate policies and measures, including care and rehabilitation, to prevent and combat this phenomenon. The Committee recommends that the State party take into account the recommendations formulated in the Agenda for Action adopted at the 1996 Stockholm World Congress against Commercial Sexual Exploitation of Children.**

33. While the Committee notes the information submitted by the State party on the trafficking and sale of Ecuadorean children and welcomes the measures undertaken by the State party's authorities to combat this phenomenon, the Committee is of the opinion that measures in this regard need to be strengthened. **The Committee recommends that measures be taken, on an urgent basis, to strengthen law enforcement and to implement the State party's national programme of prevention. In an effort to combat effectively intercountry trafficking and sale of children, the Committee suggests that the State party increase its efforts in the area of regional agreements with neighbouring countries. Rehabilitation measures for the child victims of trafficking and sale should be established.**

34. With regard to the juvenile justice system, the Committee is concerned about:

(a) The general situation of the administration of juvenile justice and in particular its compatibility with the Convention and other recognized international standards;

(b) The fact that deprivation of liberty is not used as a measure of last resort;

(c) The situation of overcrowding in detention facilities;

(d) The placement of minors in adult detention facilities; and

(e) The insufficiency of facilities and programmes for the physical and psychological recovery and social reintegration of juveniles.

The Committee recommends that the State party:

(a) Take additional measures to reform the juvenile justice system in accordance with the Convention, in particular articles 37, 40 and 39, and with other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Consider deprivation of liberty only as a measure of last resort and for the shortest possible period of time, protect the rights of children deprived of their liberty and ensure that children remain in contact with their families while in the juvenile justice system;

(c) Introduce training programmes on relevant international standards for all professionals involved with the juvenile justice system;

(d) Seek technical assistance in the area of juvenile justice and police training from, inter alia, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, UNICEF and the International Network on Juvenile Justice, through the Coordination Panel on Technical Advice and Assistance in Juvenile Justice.

35. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that consideration be given to publication of the report, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.